

STATE OF COLORADO

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Colorado Department
of Public Health
and Environment

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RE: CDPS Discharge Permitting Requirements for Stormwater Discharges

In accordance with Regulation 61.3(2)(e)(iii), stormwater discharges associated with “industrial activities” are required to obtain a Colorado Discharge Permit System (CDPS) discharge permit. The following categories of facilities are considered to be engaging in "industrial activity," and therefore subject to these requirements. Note that an additional listing of those industrial activities eligible for coverage under the COR90000 permit, that includes additional narrative descriptions of the activities, is available in Appendix A of that permit. Regulation 61 also includes additional authority for the Division to designate discharges not addressed by the following regulatory citations as requiring a CDPS discharge permit.

Regulatory Section	Regulatory Language Regarding Covered Facilities/Activities	Notes (see below)	Applicable General Permits*
61.3(2)(e)(iii)(A)	Facilities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are excluded under section 61.3(2)(h)).	3 – No Exposure Exclusion	COR900000
61.3(2)(e)(iii)(B)	Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285) 29, 311, 32 (except 323), 33, 3441,373.	1 – SIC Code Guidance 3 – No Exposure Exclusion	COR900000

Regulatory Section	Regulatory Language Regarding Covered Facilities/Activities	Notes (see below)	Applicable General Permits*
61.3(2)(e)(iii)(C)	Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11 (l) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 16, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator, inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim).	1 – SIC Code Guidance 2 – Excluded Mining and Oil and Gas Activities 3 – No Exposure Exclusion 5 – Permits for Classifications 10 through 14 and oil and gas	Multiple depending on the activity, see Note 5, below.
61.3(2)(e)(iii)(D)	Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA as amended by HSWA (1984).	3 – No Exposure Exclusion	COR900000
61.3(2)(e)(iii)(E)	Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA as amended by HSWA (1984).	3 – No Exposure Exclusion	COR900000
61.3(2)(e)(iii)(F)	Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, that are classified as Standard Industrial Classification 5015 or 5093.	1 – SIC Code Guidance 3 – No Exposure Exclusion	COR900000
61.3(2)(e)(iii)(G)	Steam electric power generating facilities, including coal handling sites.	3 – No Exposure Exclusion	COR900000
61.3(2)(e)(iii)(H)	Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221 - 4225), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (A)-(G) or (I)-(K) of this subsection are associated with industrial activity.	1 – SIC Code Guidance 3 – No Exposure Exclusion	COR900000

61.3(2)(e)(iii)(I)	Treatment works treating domestic sewage or any other biosolids or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of biosolids that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403 or 5 CCR 1002-63, Regulation No. 63. Not included are farm lands, domestic gardens or lands used for biosolids management where biosolids is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the CWA;	3 – No Exposure Exclusion	COR900000
Regulatory Section	Regulatory Language Regarding Covered Facilities/Activities	Notes (see below)	Applicable General Permits*
61.3(2)(e)(iii)(J) and 61.3(2)(f)(ii)	Construction activity, including clearing, grading and excavation, that results in the disturbance of one or more acres of total land area. Construction activity also includes the disturbance of less than one acres of total land area that is a part of a larger common plan of development or sale, if the larger common plan will ultimately disturb five acres or more. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. <i>[The language in this section has been revised from the regulatory language to clearly communicate the overall requirement contained in 61.3(2)(e)(iii)(J), which addresses activities of five acres or more, and 61.3(2)(f)(ii), which addresses sites activities of one acre or more but less than five acres.]</i>	4 – Construction Guidance	COR030000
61.3(2)(e)(iii)(K)	Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-4225 (and which are not otherwise included within categories (B)-(J)).	1 – SIC Code Guidance 3 – No Exposure Exclusion	COR900000

*Note that some co-located activities may be eligible for coverage under a different general permit. For example, a permitted construction site may include coverage for a concrete batch plant.

1. SIC Code Guidance

A complete list of SIC Codes (and conversions from the newer North American Industry Classification System” (NAICS)) can be obtained from the Internet at www.census.gov/epcd/www/naics.html or in paper form from various locations in the document titled Handbook of Standard Industrial Classifications, Office of Management and Budget, 1987.

2. Excluded Mining and Oil and Gas Activities

From Regulation 61.3(2)(c): The Division may not require a permit for discharges of stormwater runoff from mining operations or oil and gas exploration, production, processing or treatment operations or transmission facilities, composed entirely of flows which are from conveyances or systems of conveyances (including but not limited to pipes, conduits, ditches, and channels) used for collecting and conveying precipitation runoff and which are not contaminated by contact with or that have not come into contact with, any overburden, raw material, intermediate products, finished product, byproduct or waste products located on the site of such operations. The term “oil and gas exploration, production, processing or treatment operations or transmission facilities” does not include construction activities associated with such operations or

facilities.

From Regulation 61.4(3)(b)(i)(D): The operator of an existing or new discharge composed entirely of stormwater from a mining operation is not required to submit a permit application unless the discharge has come into contact with, any overburden, raw material, intermediate products, finished product, byproduct or waste products located on the site of such operations.

3. No Exposure Exclusion

Some industrial facilities may qualify for a no exposure exclusion by way of not meeting the definition of "stormwater discharges associated with industrial activity. Guidance and a form for applying for coverage under the exclusion is included in the *No Exposure Exclusion from CDPS Stormwater Permitting Application*, available at www.coloradowaterpermits.com > Commerce & Industry > Commerce & Industry Permitting.

4. Construction Activities Guidance

Additional guidance on the applicability of CDPS permitting requirements to construction activities is included in the *Stormwater Fact Sheet Construction* and the *Stormwater Fact Sheet Oil & Gas Industry Construction*, available at www.coloradowaterpermits.com > Construction Sites > Construction Compliance Assistance and Guidance.

5. Permits for Classifications 10 through 14 and oil and gas

These facilities qualify for coverage under several different general permits, refer to the applications and permits for additional information. These documents are available at www.coloradowaterpermits.com > Commerce & Industry > Commerce & Industry Permitting

- Coal Mining Process Water & Stormwater Combined, COG850000
- Metal Mining Industry Stormwater, COR040000
- Non-Extractive Industries Stormwater, COR900000
- Sand & Gravel Mining Wastewater & Stormwater combined, COG500000
- Sand & Gravel Mining & Processing Stormwater Only, COR340000